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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/190,129	11/12/98	CANNON J	CANNON36-37

WM01/1019

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EXAMINER	
GAUTHIER,G	
ART UNIT	**PAPER NUMBER**
2645	3

DATE MAILED: 10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/190,129	CANNON ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is objected to, page 1, line 7 "an" should be "am". ✓

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1,** line 9, "before reception of an initial ring signal" is vague and indefinite because it is unclear if an initial ring is sent.

Claim 4 line 6, **claim 8** line 6 and **claim 12** line 10 have the same problem.

Regarding **claim 5,** line 4 "substantially" is vague and indefinite because it is not ✓ clearly recites the claim limitation.

Claims 6, 9, 10 and 13 have the same problem.

Regarding **claim 16,** lines 6 and 7, "said caller" lacks of antecedent basis because it is unclear where "caller" is recited on the claim.

Claims 2, 3, 7, 11, 14 and 15 are depended on rejected claims.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Borland et al U. S. Patent No. 6128382 (hereinafter Borland).

Regarding **claim 1,** Borland discloses a voice messaging system, comprising:

a telephone line interface (see 150 on FIG. 3);

a voice recorder/playback module (see 210 on FIG. 3);

a controller adapted to control functions of said voice messaging system (see 240 on FIG. 3); and

a ring signal bypass module adapted to detect a presence of non-ring signal indicating a presence of an incoming call, and to cause said telephone line interface to place a telephone line in an off-hook condition before reception of an initial ring signal relating to said incoming call (see 240 on FIG. 3).

Regarding **claim 2,** Borland discloses a voice messaging system wherein:

said telephone line interface is adapted to detect a line reversal on said telephone (see 200 and 240 on FIG. 3).

Regarding **claim 3,** Borland discloses a voice messaging system wherein:

said voice messaging system is a telephone answering device (see 100 on FIG. 3).

Regarding **claims 4 and 8,** Borland discloses a method/apparatus for allowing bypass of ring signal in a voice messaging system, comprising:

receiving a non-ring signal indicating a presence of an incoming call to said voice messaging system (see step 300 on FIG. 4); and

answering said incoming call by said voice messaging system before a reception of any ring signal (see step 310 on FIG. 4).

Regarding **claims 5 and 9**, Borland discloses a method/apparatus for allowing bypass of ring signal in a voice messaging system, wherein said answering comprising:

substantially immediately playing an outgoing greeting message to a caller associated with said incoming call without requiring reception of any ring signal relating to said incoming call (see step 315 on FIG. 4); and

allowing said caller to record a voice message (see step 320 on FIG. 4).

Regarding **claims 6 and 10,** Borland discloses a method/apparatus for allowing bypass of ring signal in a voice messaging system, wherein said answering comprising:

substantially immediately allowing a caller associated with said incoming call to record a voice message without requiring reception of any ring signal relating to said incoming call (see steps 310, 315, 320, 340, 350 and 360 on FIG. 4).

Regarding **claims 7and 11,** Borland discloses a method/apparatus for allowing bypass of ring signal in a voice messaging system, further comprising:

inputting a request for a transmission of said non-ring signal from a calling party's telephone (see step 315 on FIG. 4).

Regarding **claim 12,** Borland discloses a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, said voice messaging system include voice message memory for recording a voice message, comprising:

providing a ring signal bypass module in said voice messaging system (see 200 on FIG. 3);

activating said ring signal bypass module based on a request from said calling party (see step 315 on FIG. 4); and

bypassing all ring signals to said voice messaging system by answering a call from said calling party before a reception of any ring signal (see column 6, lines 31-34).

Regarding **claim 13,** Borland discloses a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

substantially immediately allowing said calling party to record a voice message in said voice message memory before reception of any ring signal (see column 6, lines 29-31).

Regarding **claim 14,** Borland discloses a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

entering a request for performance of said step of bypassing all ring signals by said calling party (see column 6, lines 31-34).

Regarding **claim 15,** Borland discloses a method of allowing a calling party to bypass of ring signal in a voice messaging system of a called party, further comprising:

said request is entered by said calling party before a telephone number of said called party is dialed by said calling party (see column 4, lines 51-59).

Regarding **claim 16,** Borland discloses a method of allowing a bypass of ring signal in a voice messaging system, comprising:

receiving a ring signal indicating a presence of an incoming telephone call to said voice messaging system (see step 300 on FIG. 4);

answering said incoming telephone call (see step 310 on FIG.4);

detecting input of a predetermined code by said caller (see step 320 on FIG. 4); and

if said predetermined code is input by said caller, allowing recording of a voice message by a caller without providing any audible ring signal to a called party (see steps 340, 350 and 360 on FIG. 4).

Regarding **claim 17,** Borland discloses a method of allowing bypass of ring signal in a voice messaging system, comprising:

receiving a ring signal from a central office indicating a presence of an incoming call to said voice messaging system (see step 300 on FIG. 4); and

providing a caller a choice to bypass an audible ring signal to a user of said voice messaging system (see step 315 on FIG. 4).

Regarding **claim 18**, Borland discloses a method of allowing bypass of ring signal in a voice messaging system, further comprising:

recording a voice message from said caller without first providing an audible ring signal to a user of said voice messaging system (see step 360 on FIG. 4).

Regarding **claim 19,** Borland discloses a method of allowing bypass of ring signal in a voice messaging system, wherein:

by default, said voice messaging system does not audibly ring before recording a voice message (see 310 in FIG.4).

Regarding **claim 20,** Borland discloses a method of allowing bypass of ring signal in a voice messaging system, wherein:

by default, said voice messaging system audibly rings up to a predetermined number of times before recording a voice message (see column 1, lines 46-53).

Regarding **claim 21,** Borland discloses a method of allowing bypass of ring signal in a voice messaging system, wherein:

said incoming call is answered by said voice messaging system substantially without audibly ringing said voice messaging system (see step 310 on FIG. 4).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honda et al is cited for a data communication apparatus and method for performing noiseless data communication using a spread spectrum system (see FIG. 3).

Cox et al is cited for a method of providing calling services during attempt to complete customer call while muting ringing (see FIG. 2B)

Gunn et al is cited for a caller identification interface using line reversal detection (see FIG. 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Gerald Faulhaber

G.G.
October 10, 2001

FAN TSANG
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